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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,899	01/17/2006	David C Dressel	1216-04302	8372
23505 7590 09/29/2008 CONLEY ROSE, P.C. David A. Rose P. O. BOX 3267 HOUSTON, TX 77253-3267				
EXAMINER TYLER, STEPHANIE E				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
09/29/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pathou@conleyrose.com

# Office Action Summary

**Application No.**

10/542,899

**Applicant(s)**

DRESSEL ET AL.

**Examiner**

STEPHANIE E. TYLER

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)  
Paper No(s)/Mail Date 11/07/2005; 7/20/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,6,7,8,10,12,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Decker (4,169,545).

The Decker reference discloses the system and method thereof having a first fluid supply (24) supplying a first stream (conduit leaving 24) of a first fluid in a first supply line; a first flow divider (32,A) splitting the first stream into primary and secondary streams (33,35); a second fluid supply (25) supplying a second fluid in a second supply line; a second flow divider (32, B) splitting said second stream (conduit leaving 25) into primary and secondary streams (33,35); a first mix head (20) combining the primary stream (33) of the first fluid with the primary stream of the second fluid; and a second mix head (22) combining the secondary stream (35) of the first fluid with the secondary stream of the second fluid; and wherein the foam is a froth foam (see col.1, lines 5-8).

3. Claims 1,3-8,10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kukesh (4,809,909).

The Kukesh reference discloses the system and method thereof having a first fluid supply (12) supplying a first stream (31) of a first fluid in a first supply line; a first flow divider (22) splitting the first stream into primary and secondary

streams (34,39); a second fluid supply (14) supplying a second fluid in a second supply line; a second flow divider (24) splitting said second stream (36) into primary and secondary streams (34); a first mix head (43,16) combining the primary stream (34) of the first fluid with the primary stream of the second fluid; and a second mix head (44,16) combining the secondary stream (39) of the first fluid with the secondary stream of the second fluid; and wherein at least one recycle line (41) from at least one of the flow dividers (22) to at least one of the fluid supplies (12).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kukesh in view of Long et al. (4,656,063).

The Kukesh reference discloses substantially all the structure and functionality of the invention. However the Kushesh reference lacks having four mixed streams and four nozzles.

The Long et al. reference teaches a mixture substance that produces a foamable material that distributes the mixture through at least four distribution tubes (12) and through at least four nozzles (short fitting attached to 12; see fig.3) for the purpose of

permitting the merging of contiguous streams of incoming material to be interfaced with one another.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to try adding more mixed streams and more nozzles as taught by Long et al. in an attempt provide a uniform composition onto a substrate.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Monden et al. (4,287,242), Cole III (3,178,157), Krippel et al. (4,846,099), Derian et al. (5,499,745), Skoupi et al. (4,397,407) are other various types of foam generating systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE E. TYLER whose telephone number is (571)272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. E. T./  
Examiner, Art Unit 3754

/Kevin P. Shaver/  
Supervisory Patent Examiner, Art Unit 3754